

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>JEROME KELLEY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Case No. 2:07-CV-820-MEF</b>
	)	
<b>CRACKER BARREL OLD COUNTRY</b>	)	
<b>STORE, INC., a corporation licensed and</b>	)	
<b>doing business in Alabama,</b>	)	
	)	
<b>Defendant.</b>	)	

**REPORT OF THE PARTIES' PLANNING MEETING**

1. **Appearances.** Pursuant to Rule 26(f) of the *Federal Rules of Civil Procedure*, a teleconference was held on November 1, 2007, among the following participants:

Andy Nelms  
Law Offices of Jay Lewis, L.L.C.  
Attorney for Plaintiff

David Gevertz  
Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C.  
Attorney for Defendant

2. **Initial Disclosures.** The parties will exchange by November 21, 2007, the information required by Rule 26(a)(1) of the *Federal Rules of Civil Procedure*.
3. **Discovery Plan.** The parties jointly propose to the court the following discovery plan:

- a. Discovery will be needed on the following subjects:
  1. All information pertaining to Plaintiff's claims and damages.
  2. All information pertaining to Defendant's defenses.
- b. All discovery must be completed by March 31, 2008.
- c. There will be a maximum of 30 interrogatories by each party to any other party.

The responses will be due 30 days after service of such interrogatories.

- d. There will be a maximum of 30 requests for production of documents by each party to any other party. The responses will be due 30 days after service of such requests for production of documents.
- e. There will be a maximum of 30 requests for admission by each party to any other party. Responses will be due 30 days after service of such requests for admissions.
- f. The parties agree that no more than 10 depositions may be taken by a party without leave of the court or agreement of the parties. Each deposition is limited to a maximum of 7 hours unless extended by agreement of the parties.
- g. Reports from retained experts under Rule 26(a)(2) of the *Federal Rules of Civil Procedure* will be due from Plaintiff by January 30, 2008, and from Defendant by February 28, 2008.
- h. Supplementation of the disclosures under Rule 26(e) of the *Federal Rules of Civil Procedure* will be due within 30 days before the end of the discovery period.

4. **Other items.**

a. **Scheduling Conference.**

The parties **do not** request a conference with the court before entry of the scheduling order.

b. **Pretrial Conference.**

The parties request a pretrial conference on September 15, 2008.

c. **Additional Parties, Claims and Defenses.**

The parties must join additional parties and amend the pleadings by January 30, 2008.

d. **Dispositive Motions.**

All potentially dispositive motions shall be filed by April 30, 2008.

e. **Settlement.**

Settlement and the possibility of mediation cannot be evaluated until some discovery is complete.

f. **Trial Evidence.**

The final list of witnesses and trial evidence under Rule 26(a)(3) of the *Federal Rules of Civil Procedure* should be due three weeks before trial. The parties should have 14 days after such service to list their objections.

g. **Trial Date.**

This case should be ready for trial by September 29, 2008, and at this time is expected to take approximately 1 day of trial time.

Date: November 1, 2007

/s/ Andy Nelms

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/s/ David Gevertz

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